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**S-3845**  
**MYSTIC WOODS SUBDIVISION, PHASE 2 REPLAT**  
**Major-Preliminary Plat**

**STAFF REPORT**  
**July 13, 2006**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioners are seeking primary approval for a replat of 17.42 acres previously approved and recorded for 22 single-family lots. This four lot replat is located at the southeast corner of SR 43 and SR 225, in Tippecanoe 22(NW) 24-4.

**AREA ZONING PATTERNS:**

This site is zoned R1, as are properties adjoining on the east and south. To the north and west, beyond the two State highways, the area is mostly zoned A (Agricultural).

**AREA LAND USE PATTERNS:**

The 18 lots in Phase 1 were platted and developed in March 2000, and adjoin on the east and south. About half of the lots are occupied by homes. A few single-family residences line the west side of SR 43. Hawks Nest Subdivision (incorporated in the Town of Battle Ground) is located to the southeast.

The original Phase 2 was recorded in August 2000, but none of the lots have been sold or built on, nor any of the infrastructure constructed. This new preliminary plat also includes about 2 acres of unplatted land, adjoining at the northeast corner of the site. The purpose of this replat is to clear the way for the construction of a church on Lot 1. There is an existing rented house on proposed Lot 3 that is intended to be removed when the lease is up.

**TRAFFIC AND TRANSPORTATION:**

SR 43 is classified as a rural primary arterial, and SR 225 is classified as a rural secondary arterial. The required half-width rights-of-way for both these perimeter roads are in place. No Vehicular Access will be platted along these frontages, except for a single proposed entrance from SR 225. This entrance is located between Lots 1 and 2, and will need to be approved by the Indiana Department of Transportation (INDOT). Proposed Lots 3 and 4 front on SR 43, but will gain access from the one existing internal street, Midnight Drive. These lots actually connect to Midnight Drive by way of an existing stub street, Twilight Drive. This stub street will, however, be converted to a private street by the vacation of its right-of-way. This right-of-way is intended to be replaced by an access easement in favor of Lots 3 and 4.

No new streets are proposed with this application. In fact, all internal street rights-of-way must be vacated by the Board of County Commissioners to replat these 22 lots into the 4 large lots as shown.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

All of the original lots in this phase were designed for individual septic and well. This is also the case for the new configuration. The County Health Department has submitted a letter stating that they are satisfied that this subdivision will be able to meet their ordinance requirements. It is also stated in the letter and on the preliminary plat that water service may be available from the Town of Battle Ground.

As with the internal street rights-of-way, the existing platted easements associated with the original lots must also be vacated by the County Commissioners. There is an existing 25-ft. wide sanitary sewer and water easement that runs through the south halves of Lots 1 and 2 (for a Battle Ground sewer force main and water line). This easement will remain.

**CONFORMANCE WITH UZO REQUIREMENTS:**

All required building setbacks are shown, and all lots meet the area and width requirements for the R1 zone. The Lot 1 rear setback should technically be shown opposite the SR 43 frontage (narrowest). However, it can remain as shown (opposite the SR 225 frontage) if the front lot line is specified on the final plat and in the subdivision covenants.

**IMPROVEMENTS AND PERFORMANCE BOND:**

Petitioner has requested permission to bond, in lieu of completing all of the required public improvements prior to the submission of the final plat.

**STAFF RECOMMENDATION:**

Conditional primary approval, contingent on the following:

A. Conditions

1. The Drainage Board or the County Surveyor shall approve any required drainage plans in compliance with Tippecanoe County Ordinance #2005-04-CM.

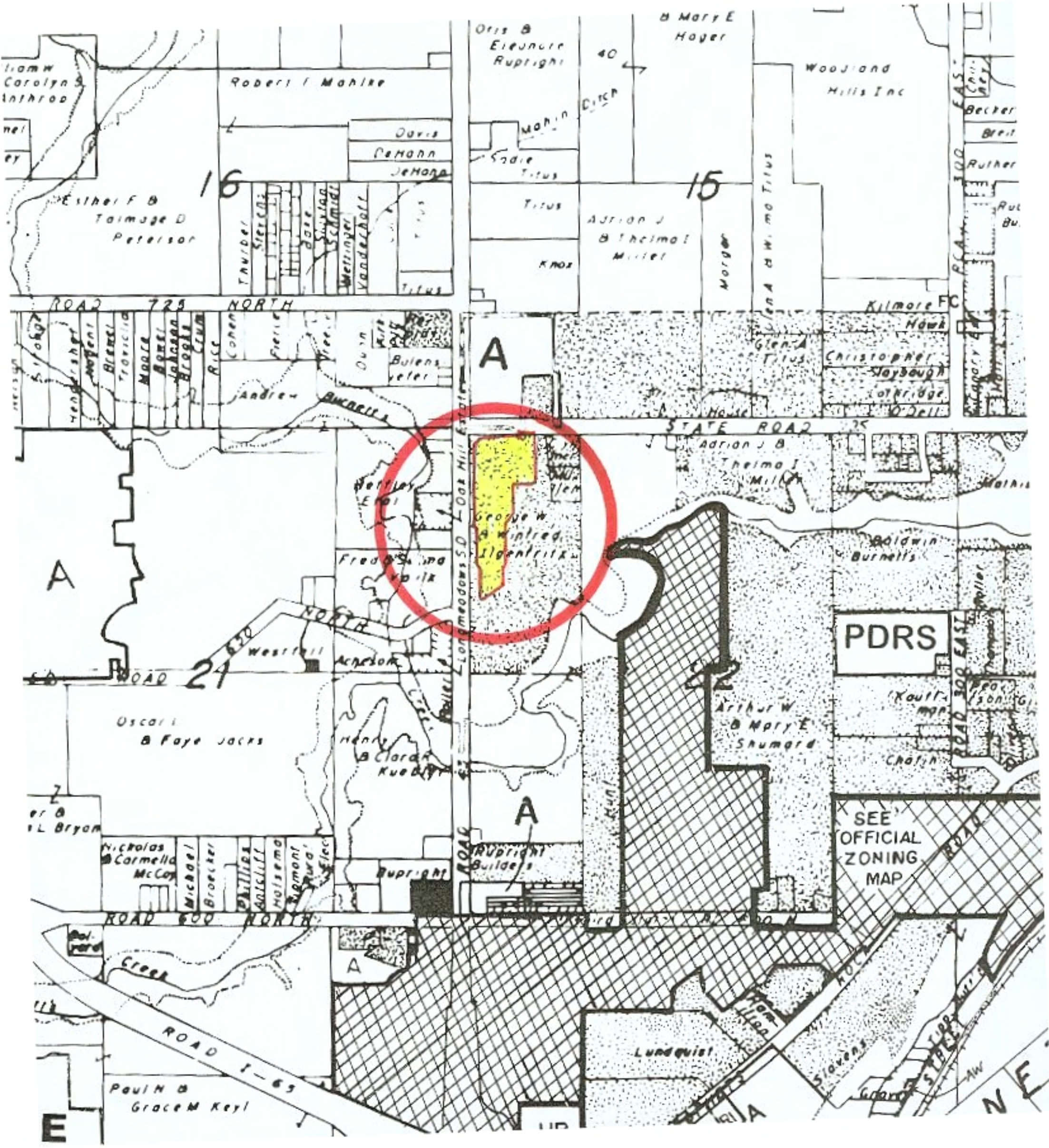
**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

2. All platted internal street rights-of-way and the off-site Twilight Drive right-of-way shall be vacated by the Board of County Commissioners.
3. All platted internal utility and drainage easements relating to the original lots shall be vacated by the Board of County Commissioners.
4. INDOT shall approve the location and width of the proposed access from SR 225.

5. "No Vehicular Access" shall be platted along the SR 43 and SR 225 right-of-way lines, as shown on the preliminary plat.
6. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
7. All required building setbacks shall be platted.
8. If the rear setback for Lot 1 remains along the south lot line, its SR 225 frontage shall be labeled as the "Front Lot Line".
9. The street addresses and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

10. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
11. If the rear setback for Lot 1 remains along the south lot line, the "Front Lot Line" designation along its SR 225 frontage shall be referenced.



SR 225

SR 43

